

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

SCLS REALTY, LLC; SIXTY THREE
JOHNSTON, LLC,

Plaintiffs,

v.

TOWN OF JOHNSTON, RHODE ISLAND;
JOSEPH M. POLISENA, JR., in his official
capacity as Mayor of the Town of Johnston;
LINDA L. FOLCARELLI, LAUREN
GARZONE, ALFRED T. CARNEVALE,
ROBERT V. RUSSO, ROBERT J. CIVETTI,
in their official capacities as Members of the
Town Council of the Town of Johnston; and
VINCENT P. BACCARI, JR., in his official
capacity as Town Clerk of the Town of
Johnston,

Defendants.

Civil Action No. 1:25-cv-00088-MRD-PAS

TEMPORARY RESTRAINING ORDER

This matter came before the Court for a chambers conference by Zoom at 3:30 PM on March 18, 2025. Appearing for Plaintiffs SCLS REALITY, LLC and SIXTY THREE JOHNSTON, LLC (jointly, “Santoro Family”), were Kathryn Valois, Stacy Thomsen, Kelly Salvatore, and Austin Waisanen, and appearing for Defendants TOWN OF JOHNSTON, RHODE ISLAND; JOSEPH M. POLISENA, JR., in his official capacity as Mayor of the Town of Johnston; LINDA L. FOLCARELLI, LAUREN GARZONE, ALFRED T. CARNEVALE, ROBERT V. RUSSO, ROBERT J. CIVETTI, in their official capacities as Members of the Town Council of the Town of

Johnston; and VINCENT P. BACCARI, JR., in his official capacity as Town Clerk of the Town of Johnston, were Sarah O'Toole and Mario Martone.

By agreement of the parties, the Court hereby ORDERS that a TEMPORARY RESTRAINING ORDER is entered in this case until this Court rules on the Plaintiffs' forthcoming motion for a preliminary injunction. The Court hereby ORDERS the following persons bound by this, who shall receive actual notice of the TRO by personal service: Defendants TOWN OF JOHNSTON, RHODE ISLAND; JOSEPH M. POLISENA, JR., in his official capacity as Mayor of the Town of Johnston; LINDA L. FOLCARELLI, LAUREN GARZONE, ALFRED T. CARNEVALE, ROBERT V. RUSSO, ROBERT J. CIVETTI, in their official capacity as members of the Johnston Town Council, VINCENT P. BACCARI, JR. in his official capacity as Town Clerk for the Town of Johnston, and their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the Defendants.

The Court orders such persons to be restrained from taking any action to implement, carry out, enable, execute, or perform under the purported authority of Resolution 2025-10, Resolution 2025-17, Resolution 2025-18, or to undertake any other actions to condemn or use the power of eminent domain to seize the Plaintiffs' property located at 178 and 200 George Waterman Road, Johnston, Rhode Island, also known as Assessor's Plat 37, Lots 63, 193 (formerly recognized as Lots 1-10, and 193) and Assessor's Plat 35, Lot 2 (together "Santoro Property"), including but not limited to:

1. Taking any action to prevent or otherwise interfere with the Santoro

Family entering, using, and occupying the Santoro Property, or which are inconsistent with the Santoro Family's rights as the lawful owners of the Santoro Property; and

2. Taking any action to enter, use, occupy, transfer, convey, encumber, or trespass upon the Santoro Property; and taking any action inconsistent with or in contravention of the Santoro Family's rights as the lawful owners of the Santoro Property; and

3. Taking any other action to further alter, substitute, amend, change, or otherwise affect the registered or title ownership of the subject property from the Santoro Family, or taking any action in contravention of or inconsistent with the Santoro Family's rights as the lawful title owners and owners of record; and

4. Undertaking any other action that alters the status quo as of the date and time this Court enters a temporary restraining order, until the forthcoming motion "for preliminary injunction can be fully briefed, heard, and resolved[.]" or until further order of this Court;

Moreover, as represented to the Court during the March 18, 2025 chambers conference, the Court understands the parties have agreed that:

1. The Town of Johnston shall remove, revoke, or delete its March 12, 2025, recording or submission in the Town of Johnston Land Evidence Records and all documents by which the Town of Johnston purported to transfer ownership and title of the Santoro Property from the Santoro Family to itself; and

2. The Defendant Vincent P. Baccari, Jr., in his official capacity as Town

Clerk, shall certify that the Town recorded the Order entered by the Providence County Superior Court in the matter captioned as *In re: 178-200 George Waterman Road Assessor Plat 37, Lot 1 aka Assessor Plat 37, Lot 193*, PM-2025-01368 in the Town of Johnston Land Evidence Records within one business day of the State of Rhode Island's Superior Court's entry of the order returning the property to the Santoro Family.

This Temporary Restraining Order shall remain in full force and effect until further order of the Court. The Court has scheduled a hearing on the Plaintiffs' forthcoming motion for a preliminary injunction on April 17, 2025, at 2:00 PM.

IT IS SO ORDERED.



Hon. Melissa A. DuBose
United States District Judge

March 19, 2025

DATE

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